United Nations S/2006/854

Security Council

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Draft resolution

The Security Council,

Recalling its previous resolutions and the statements of its President relating to the situation in Côte d'Ivoire,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the Agreement signed by the Ivorian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of State on Côte d'Ivoire, held in Paris on 25 and 26 January 2003, the Agreement signed in Accra on 30 July 2004 (the Accra III Agreement) and the Agreement signed in Pretoria on 6 April 2005 (the Pretoria Agreement),

Commending the continued efforts of the African Union, the Economic Community of West African States and the leaders of the region to promote peace and stability in Côte d'Ivoire, and reiterating its full support for them,

Paying tribute to President Thabo Mbeki of the Republic of South Africa for the untiring efforts he has deployed in the service of peace and reconciliation in Côte d'Ivoire, as well as the numerous initiatives he has taken to move forward the peace process, in his capacity as African Union Mediator, driven by his deep commitment to finding African solutions to African problems,

Commending also the constant efforts of the Special Representative of the Secretary-General, Mr. Pierre Schori, and of the High Representative for the Elections, Mr. Gérard Stoudmann, and of the International Working Group (IWG), and reiterating its full support for them,

Reaffirming its support to the impartial forces, namely the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces which support it,

Having taken note of the decision of the Peace and Security Council of the African Union adopted at its 64th meeting at the level of Heads of State and Government, held on 17 October 2006 in Addis Ababa ("the decision of the Peace and Security Council") (S/2006/829),

Having heard on 25 October 2006 the report by M. Saïd Djinnit, Commissioner of the African Union,

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Having taken note of the report of the Secretary-General dated 17 October 2006 (S/2006/821), in particular its paragraphs 68 to 80,

Bearing in mind that the constitutional mandate of President Laurent Gbagbo expired on 30 October 2005 and the mandate of the former National Assembly expired on 16 December 2005,

Expressing its serious concern at the persistence of the crisis and the deterioration of the situation in Côte d'Ivoire, including its grave humanitarian consequences causing large-scale civilian suffering and displacement,

Reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Endorses* the decision of the Peace and Security Council, *underlines* that its unfettered implementation requires the full support from the Council, *considers* therefore that the following provisions of the present resolution, based on the decision of the Peace and Security Council, aim at implementing fully the peace process in Côte d'Ivoire and at organizing free, open, fair and transparent elections in this country by 31 October 2007, and *affirms* that such provisions are intended to be applicable during the transition period until a newly elected President takes up his duties and a new National Assembly is elected;

2. *Takes note* of the tenth final communique of the IWG dated 8 September 2006;

3. *Takes note* of the impossibility of organizing elections, presidential and legislative, on the scheduled date and of the expiry, on 31 October 2006, of the transition period and of the mandates of President Laurent Gbagbo and Prime Minister, Mr. Charles Konan Banny;

4. *Recalls* paragraphs 5 and 8 of the tenth final communique of the IWG dated 8 September 2006, paragraph 10 of the decision of the Peace and Security Council and paragraph 72 (a) of the report of the Secretary-General dated 17 October 2006 (S/2006/821), and, therefore, declares that the full implementation of the present resolution, consistent with paragraphs 13 and 14 of the decision of the Peace and Security Council, and of the peace process led by the Prime Minister requires full compliance by all Ivorian parties and that no legal provisions should be invoked by them to obstruct the process;

5. *Endorses* the decision of the Peace and Security Council that President Laurent Gbagbo should remain Head of State as from 1 November 2006 for a new and final transition period not exceeding 12 months;

6. *Endorses* the decision of the Peace and Security Council to renew the mandate of the Prime Minister, Mr. Charles Konan Banny, as from 1 November 2006 for a new and final transition period not exceeding 12 months, and *endorses also* the decision of the Peace and Security Council that the Prime Minister shall not be eligible to stand for the presidential elections to be organized by 31 October 2007;

7. *Stresses* that the Prime Minister shall have a mandate to implement all the provisions of the road map drawn up by the IWG and of the agreements concluded between the Ivorian parties with a view to holding free, open, fair and transparent elections by 31 October 2007 at the latest, with support from the United Nations and potential donors, and to carry out, in particular:

The disarmament, demobilization and reintegration (DDR) programme,

The identification of population and registration of voters in order to compile credible electoral rolls,

The operations of disarmament and dismantling of militias,

The restoration of State authority and the redeployment of the administration and public services throughout the territory of Côte d'Ivoire,

The technical preparations for the elections,

The restructuring of the armed forces, in accordance with paragraph 17 of the decision of the Peace and Security Council and paragraph 3 article f) of the Linas-Marcoussis Agreement;

8. *Stresses* that the Prime Minister, for the implementation of the mandate set out in paragraph 7 above, must have all the necessary powers, and all appropriate financial, material and human resources, as well as full and unfettered authority, consistent with ECOWAS recommendations dated 6 October 2006, and must be empowered to take all necessary decisions, in all matters, within the Council of Ministers or the Council of Government, by ordinances or decree-laws;

9. *Stresses also* that the Prime Minister, for the implementation of the mandate set out in paragraph 7 above, must also have the necessary authority over the Defence and Security Forces of Côte d'Ivoire;

10. *Recalls* paragraph 10 article (iii) of the decision of the Peace and Security Council of the African Union dated 6 October 2005 (S/2005/639) and the statement of president of the Council dated 9 December 2005 (S/PRST/2005/60), *reaffirms* the provisions of paragraphs 6 and 7 of resolution 1633 (2005), and *recalls* that the Prime Minister shall have full authority over the Government that he will establish;

11. *Reaffirms* that the DDR and identification processes should be carried out concomitantly, *stresses* the centrality of both processes to the peace process, *urges* the Prime Minister to implement them without delay, and *calls upon* all the Ivorian parties to cooperate fully with him in this regard;

12. *Demands* the immediate resumption of the programme for the disarmament and dismantling of militias throughout the national territory, *stresses* that this programme is a key element of the peace process, and *underlines* the individual responsibility of the leaders of the militias in the full implementation of this process;

13. *Urges* the Prime Minister to immediately take all appropriate measures, through the signing of the relevant ordinances in the conditions set out in paragraph 8 above, to expedite the issuance of birth and nationality certificates in the context of the identification process, in a spirit of equity and transparency;

14. *Demands* that all the Ivorian parties concerned, in particular the Armed Forces of Forces Nouvelles and the Armed Forces of Côte d'Ivoire, participate fully and in good faith in the work of the quadripartite commission responsible for overseeing the implementation of the DDR programme and the operations for the disarmament and dismantling of militias;

15. *Invites* the Prime Minister to establish immediately, in liaison with all the Ivorian parties, UNOCI and the French forces which support it, a working group responsible for submitting to him a plan on the restructuring of the Defence and Security Forces and preparing possible seminars on security sector reform to be organized by the African Union and ECOWAS, with a view to rebuilding Defence and Security Forces committed to the values of integrity and republican morality;

16. *Encourages* the African Union and ECOWAS to organize seminars on security sector reform, in collaboration with partners and with the participation of commanding and senior officers from West African countries emerging from conflict, to examine, among other issues, the principles of civilian control of armed forces and personal and individual responsibility for acts of impunity or violation of human rights;

17. *Invites* the Prime Minister to establish immediately, in liaison with all the Ivorian parties concerned and the High Representative for the Elections, a working group responsible for helping him implement the identification of the population and registration of voters, in order to ensure their credibility and transparency;

18. *Encourages* the Prime Minister to seek, as appropriate, the active involvement of civil society in moving the peace process forward, and *urges* the Ivorian parties, the High Representative for the Elections together with UNOCI to take account of the rights and resources of women and of gender considerations as set out in resolution 1325 (2000) as cross-cutting issues in the implementation of the peace process including through the consultations with local and international women's groups;

19. *Demands* that all Ivorian parties end all incitement to hatred and violence, in radio and television broadcasting as well as in any other media, and urges the Prime Minister to establish and implement without delay a code of conduct for the media, in conformity with the decisions taken at Yamoussoukro on 5 July 2006 and the decision of the Peace and Security Council;

20. *Endorses* the decision of the Peace and Security Council that, to avoid multiple and conflicting mediation efforts, the President Denis Sassou Nguesso of the Republic of the Congo ("the Mediator"), in his capacity as Chairperson of the African Union shall lead the mediation efforts, in liaison with the Chairperson of the Commission of the African Union and ECOWAS and, as the need may arise, in liaison with any other African leader willing to make a contribution to the search for peace in Côte d'Ivoire and *underlines* that the representative of the Mediator in Côte d'Ivoire will lead, in liaison with the Special Representative of the Secretary-General, the day-to-day mediation;

21. *Requests* the African Union and the Economic Community of West African States to continue to monitor and follow up closely the implementation of the peace process, and *invites* them to review before 1 February 2007 the progress achieved, and should they deem it appropriate, to review the situation again between that date and 31 October 2007, and *requests* them to report to the Council, through

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the Secretary-General, on their assessment and, if necessary, to submit to the Council any new recommendations;

22. *Renews* for a period of 12 months the mandate of the High Representative for the Elections laid down in paragraph 7 of resolution 1603 (2005), *underscores* that the Peace and Security Council of the African Union encouraged the High Representative for the Elections to play a greater role in the resolution of disputes linked to the electoral process, or issues arising out of the procedures and processes to be adopted to ensure open, free, fair and transparent elections, and *decides* therefore that, in addition to this mandate, the High Representative for the Elections, in full support of and in consultation with the Prime Minister:

shall be the sole authority authorized to arbitrate with a view to preventing or resolving any problems or disputes related to the electoral process, in liaison with the Mediator;

shall certify that all stages of the electoral process, including the process of identification of the population, the establishment of a register of voters and the issuance of voters' cards, provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards;

23. *Requests* UNOCI, consistent with its mandate in resolution 1609 to protect United Nations personnel, to provide security to the High Representative for the Elections, within its capabilities and its areas of deployment;

24. *Recalls* paragraph 9 above, and *stresses* therefore that the Prime Minister must have authority over the personnel of the Defense and Security Forces of Côte d'Ivoire who ensure his close protection and provide the security of his offices, including through designating them, without prejudice to the provisions of paragraph 2 (alinea 1) of resolution 1609 (2005);

25. *Recalls* the IWG's role of guarantor and impartial arbitrator of the peace process, and *requests* the IWG to:

- establish as soon as possible, in liaison with the Prime Minister, a precise timetable for the implementation of the main components of the road map,

- evaluate, monitor and follow up closely the progress achieved in implementing the road map on a monthly basis,

report to the Council, through the Secretary-General, on its assessment of the progress achieved and on any obstacles encountered by the Prime Minister in carrying out his mandate set out in paragraph 7 above,

submit as appropriate, to all the Ivorian parties concerned and to the Council, any recommendations it deems necessary;

26. *Demands* that all Ivorian parties refrain from any use of force and violence, including against civilians and foreigners, and from all kinds of disruptive street protests;

27. *Demands* that all Ivorian parties guarantee the security and freedom of movement of all Ivorian nationals throughout the territory of Côte d'Ivoire;

28. *Demands* that all Ivorian parties cooperate fully with the operations of UNOCI and the French forces which support it, as well as United Nations agencies

and associated personnel, in particular by guaranteeing the safety, security and freedom of movement of their personnel, as well as associated personnel, throughout the territory of Côte d'Ivoire, and *reaffirms* that any obstacle to their freedom of movement or to the full implementation of their mandates would not be tolerated;

29. *Urges* countries neighbouring Côte d'Ivoire to prevent any cross-border movement of combatants or arms into Côte d'Ivoire;

30. *Reiterates* its serious concern at all violations of human rights and international humanitarian law in Côte d'Ivoire, and urges the Ivorian authorities to investigate these violations without delay in order to put an end to impunity;

31. *Recalls* the individual responsibility of all Ivorian parties, including members of the Ivorian Defence and Security Forces and of the Armed Forces of the Forces Nouvelles, whatever their rank, in the implementation of the peace process;

32. *Underlines* that it is fully prepared to impose targeted measures against persons to be designated by the Committee established by paragraph 14 of resolution 1572 (2004) who are determined to be, among other things, blocking the implementation of the peace process, including by attacking or obstructing the action of UNOCI, of the French forces which support it, of the High Representative for the Elections, of the IWG, of the Mediator or his representative in Côte d'Ivoire, responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire since 19 September 2002, inciting publicly hatred and violence or in violation of the arms embargo, as provided in resolutions 1572 (2004) and 1643 (2005);

33. *Decides* to remain actively seized of the matter.